

Amy J. Pattillo, Patent Attorney
P.O. Box 161327
Austin, Texas 78716
PHONE# 512-402-9820
FAX # 512-306-0417

RECEIVED
CENTRAL FAX CENTER
JUN 03 2005

DATE: 6/3/2005

Number of Pages to Follow (including cover sheet): 27

SEND TO: United States Patent Office
Examiner: Thjuan P. Knowlin
Group Art Unit: 2642
Tel No: 703-308-1727
Fax #: 703-872-9306

FROM: Amy J. Pattillo
Tel No: 512-402-9820

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Docket No. AUS920010849US1 Serial No. 10/082,418 Atty: AJP

Applicant: BROWN ET AL

<input checked="" type="checkbox"/> Transmittal Letter	<input checked="" type="checkbox"/> Certificate of Facsimile
<input type="checkbox"/> Amendment	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Amendment AF	<input checked="" type="checkbox"/> Appeal Brief
<input type="checkbox"/> Ext. of Time	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS Statement	<input type="checkbox"/> Change of Address
<input type="checkbox"/> Other	

RECEIVED
OJPE/JCWS
JUN - 6 2005

Deposit Acct. No. 09-0447

Fees: Amendment Notice of Appeal Appeal Brief \$500.00 Other

RECEIVED
CENTRAL FAX CENTER

JUN 03 2005

Serial No. 10/082,418
Atty Docket AUS920010849US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of Brown et al. Serial No.: 10/082,418 Confirmation Number: 4667 Filed: 02/26/2002 Title: TIME BASED REGULATION OF USE OF A TELEPHONE LINE	: Before the Examiner: : Thjuan P. Knowlin : Group Art Unit: 2642 : IBM Corporation (AP) : (c/o) Amy J. Pattillo : P.O. Box 161327 : Austin, Tx 78716
--	---

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at facsimile number 703-872-9306 on June 3, 2005.

Amy Pattillo


Signature

6/3/05

Date

TRANSMITTAL OF APPEAL BRIEF UNDER 37 CFR §41.37

Mail Stop Appeal Briefs-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellants' Brief, from a decision of the Examiner dated February 1, 2005, finally rejecting claims 1-26.

Please charge the fee of \$500.00 under 37 CFR §41.20(b)(2) for submission of this Appeal Brief to IBM Corporation Deposit Account No. 09-0447.

The commissioner is hereby authorized to charge any additional fee which may be required or credit any overpayment to IBM Corporation Deposit Account No. 09-0447. A duplicate copy of this document is enclosed.

Respectfully submitted,


on 6/3/05

Amy J. Pattillo
Attorney for Applicants
Reg. No 46,983
P.O. Box 161327
Austin, Texas 78716
vox (512) 402-9820
fax (512) 306-0417

RECEIVED
CENTRAL FAX CENTER
JUN 03 2005

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

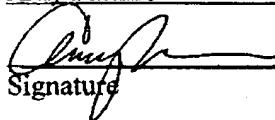
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of Brown et al. Serial No.: 10/082,418 Confirmation Number: 4667 Filed: 02/26/2002 Title: TIME BASED REGULATION OF USE OF A TELEPHONE LINE	: Before the Examiner: : Thjuan P. Knowlin : Group Art Unit: 2642 : IBM Corporation (AP) : (c/o) Amy J. Pattillo : P.O. Box 161327 : Austin, Tx 78716
--	---

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at facsimile number 703-872-9306 on June 3, 2005.

Amy Pattillo


Signature

6/3/05
Date

APPEAL BRIEF UNDER 37 CFR §41.37

Mail Stop Appeal Briefs - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Appeal Brief is submitted in support of the Appeal in the above-referenced application pursuant to a Notice of Appeal filed April 4, 2005 as required by 37 C.F.R. 41.31. This is an appeal from a final rejection dated February 1, 2005 of Claims 2, 4, 9, 11, 16, 18, 22, 24, and 26 of application serial number 10/082,418, filed February 26, 2002.

06/06/2005 TL0111 00000018 090447 10082418

01 FC:1402 500.00 DA

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

I. Real Party in Interest

The real party in interest in the present application is the Assignee, International Business Machines Corporation of Armonk, New York, as evidenced by the Assignment set forth at Reel 012662, Frame 0786.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

II. Related Appeals and Interferences

There are Appeals or Interferences known to Appellant, Appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. No decisions have been rendered by a court or the Board at this time in any related applications.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

III. Status of Claims

1. Status of All Claims in Application

- a. Claims Rejected: 1-26
- b. Claims Allowed or Confirmed: None
- c. Claims Withdrawn from Consideration: None
- d. Claims Objected to: None
- e. Claims Cancelled: None

2. Claims on Appeal

- a. The claims being appealed are: 2, 4, 9, 11, 16, 18, 22, 24, 26
- b. The claims being appealed stand finally rejected as noted by the Examiner in the Examiner's Action dated February 1, 2005. These rejected claims which form the basis of this appeal are reproduced in the attached Appendix.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

IV. Status of Amendments

In Applicants' response dated November 2, 2004, Applicants amended claims 1, 3-8, 10-15, 17-22, 24, and 26. The Examiner noted entry of the amended claims in the Final Office Action dated February 1, 2005.

No amendments after final were presented.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

V. Summary of Claimed Subject Matter

Claim 1 is directed to a method for regulating use of a telephone line. (Specification, page 3, lines 10-15, Figure 10, element 57). A context inference service detects the identity of a caller requesting use of the telephone line to place an outgoing call. (Specification, page 7, lines 4-6, page 12, lines 12-28, page 22, line 22 through page 23, line 7, page 29, line 28 through page 30, line 10, Figure 9, element 56). A schedule regulation service only allows the caller use of the telephone line to place the outgoing call if a schedule for the telephone line indicates that the caller identity is currently allowed to place the outgoing call. (Specification, page 7, lines 6-9, page 23, lines 15-23, page 33, line 27 through page 34, line 4, page 34, lines 25-31, page 36, lines 3-6, Figure 10, element 57, Figure 12, elements 158, 160, and 162).

Claim 2 is directed to a method for detecting the caller identity from a voice authentication of the caller. (Specification, page 8, lines 6-14, page 12, lines 12-28, page 32, lines 22-25, Figure 11, element 104).

Claim 4 is directed to a method for the context inference service detecting a subject requested by the caller for the outgoing call. (Specification, page 29, line 28 through page 30, line 10, page 33, lines 10-17, page 42, lines 16-22, Figure 11, element 112). The schedule regulation service filters the schedule according to the subject for the outgoing call. (Specification, page 23, lines 15-23, page 33, lines 10-17, Figure 12, element 158, Figure 13, element 158).

Claims 8, 9, and 11 are directed to a system with means for performing the elements described in claims 1, 2, and 4. In particular, Figure 9 illustrates a context inference service 56 and Figure 10 illustrates a schedule regulation service, which provide the means for performing the elements described in claims 1, 2, and 4.

Claims 15, 16, and 18 are directed to a computer program product for performing the steps described in claims 1, 2, and 4. In particular, the specification describes that while the invention is described with reference to a data processing system, the computer readable medium of Claims 15, 16, and 18 is taught where the recordings, which are the means for performing the elements of claims 1, 2, and 4 can all be distributed through a "computer readable medium of instructions and a variety of forms" (Specification, page 47, lines 25-26). Examples of a recording medium include:

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

“recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs, and transmission-type media, such as digital and analog communications links, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions” (Specification, page 47, line 30 through page 48, line 3).

In addition, the recording medium may “take the form of coded formats that are decoded for actual use in a particular data processing system” (Specification, page 48, lines 3-6). In one example, each of context inference service 56 of Figure 9 for controlling caller identity detection and schedule regulation service 57 of Figure 10 for controlling use of a telephone line includes computer resources, such as a processor, memory, system software and application software, where the memory, for example, may be a recording medium recorded with the means described in claims 15, 16, and 18 (Specification, page 42, lines 10-14, page 43, lines 14-18, page 47, line 30 through page 48, line 3).

Claim 22 is directed to a method for regulating use of a telephone line requested for use by multiple parties. (Specification, page 9, lines 6-10). A context inference service detects an identity of a first caller requesting use of the telephone line to place a first outgoing call. (Specification, page 7, lines 4-6, page 12, lines 12-28, page 22, line 22 through page 23, line 7, page 29, line 28 through page 30, line 10, Figure 5, element 90, Figure 9, element 56). A schedule regulation service compares the identity of the first caller with a schedule for at least one other caller concurrently requesting use of the telephone line to place a second outgoing call. (Page 38, lines 25-31, Figure 5, element 57, Figure 10, element 57, Figure 12, element 158). The telephone line controller only allows the first caller use of the telephone line to place the first outgoing call if a schedule for the telephone line indicates that the first caller currently has priority for use of the telephone. (Page 38, lines 25-31, Figure 5, element 57, element 96, Figure 10, element 57, Figure 12, elements 160 and 162).

Claim 24 is directed to a system with means for performing the elements described in claim 22. In particular, Figure 9 illustrates a context inference service 56 and Figure 10 illustrates a schedule regulation service, that provide the means for performing the elements described in claim 22.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

Claim 26 is directed to a computer program product for performing the steps described in claim 22. In particular, the specification describes that while the invention is described with reference to a data processing system, the computer readable medium of Claims 26 is taught where the recordings, which are the means for performing the elements of claim 22 can all be distributed through a "computer readable medium of instructions and a variety of forms" (Specification, page 47, lines 25-26). Examples of a recording medium include:

"recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs, and transmission-type media, such as digital and analog communications links, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions" (Specification, page 47, line 30 through page 48, line 3).

In addition, the recording medium may "take the form of coded formats that are decoded for actual use in a particular data processing system" (Specification, page 48, lines 3-6). In one example, each of context inference service 56 of Figure 9 for controlling caller identity detection and schedule regulation service 57 of Figure 10 for controlling use of a telephone line includes computer resources, such as a processor, memory, system software and application software, where the memory, for example, may be a recording medium recorded with the means described in claims 15, 16, and 18 (Specification, page 42, lines 10-14, page 43, lines 14-18, page 47, line 30 through page 48, line 3).

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

VI. Grounds of Rejection to be Reviewed on Appeal

1. Claims 2, 9, and 16 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Yaker (US Patent 6,594,230) in view of King et al. (US Patent 5,872,841).
2. Claims 4, 11, and 18 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Yaker (US Patent 6,594,230) in view of King et al. (US Patent 5,872,841)(hereinafter referred to as King).
3. Claims 22, 24, and 26 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Yaker (US Patent 6,594,230).

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

VII. Argument

1. 35 U.S.C. 103(a), Alleged Obviousness, Claims 2, 9, and 16

The Final Office Action rejects claims 2, 9, and 16 under 35 U.S.C. §103(a) as being allegedly unpatentable over Yaker (US Patent 6,594,230) in view of King et al. (US Patent 5,872,841)(hereinafter referred to as King). [Final Office Action, dated February 1, 2005, p. 3] The rejection is respectfully traversed.

Dependent method claim 2, which is representative of dependent system claim 9 and dependent computer program product claim 16, with regard to similarly recited subject matter and rejection, reads as follows:

2. The method for regulating use according to claim 1, wherein detecting an identity further comprises:
detecting said identity of said caller from a voice authentication.

The Examiner states the following grounds of rejection for claims 2, 9, and 16:

Yaker discloses all of claims 2, 9, and 16 limitations, except the method, system, and program, wherein detecting an identity further comprises: detecting said identity of said caller from a voice authentication. King, however, discloses the method, wherein detecting an identity further comprises: detecting said identity of said caller (telephone 12) from a voice authentication (speech recognition technology 56)(col. 2, lines 43-47). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ voice authentication within the system, as way of allowing for a caller to be able to access a system through voice or speech recognition, instead of having to key in or manually enter his or her identification information, thus, making the system more user friendly. [Final Office Action, pp. 3-4]

The Examiner carries the burden of proving a *prima facie* case of obviousness for a 103(a) rejection. In particular, in establishing a *prima facie* case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations.

In re Vaeck, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Appellants respectfully assert that the Examiner does not show and the references do not teach or suggest, separately or in combination, detecting said identity of said caller from a voice authentication.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

In particular, applicants respectfully assert that the speech or voice recognition technology of King does not teach voice authentication based identity detection. Col. 2, lines 43-47 of King, cited by the Examiner, read:

In addition, in a preferred embodiment of the present invention, the interface includes speech recognition technology for recognizing input from the calling party when the calling party communicates by speech.

King, col. 2, lines 39-47 discloses speech recognition technology as an alternative to keypad recognition technology for recognizing input from a telephone keypad and speech synthesis technology for converting text into speech to communicate with the calling party. Thus, speech or voice recognition technology is described as a way for the caller to provide input through speech, rather than through the keypad. In addition, Applicants respectfully note that "speech recognition" is defined by the Microsoft Computer Dictionary, 5th Edition as defined by "voice recognition" (p. 493, copyright 2002). "Voice recognition" is defined as "The capability of a computer to understand the spoken word for the purpose of receiving commands and data input from the speaker." (Microsoft Computer Dictionary, 5th Edition, p. 567) Thus, speech recognition technology converts a spoken word into text that is a command or data input from the speaker.

In contrast, "authentication" is not merely receiving commands or data input, but is defined as "In a multiuser or network operating system, the process by which a system validates a user's logon information." (Microsoft Computer Dictionary, 5th Edition, p. 42). Voice authentication is the process by which a system validates a user's voice as the logon information, requiring a system enabled to receive and process biometric information, such as the voice. (See Specification, page 8, lines 6-21, page 12, lines 22-29, and page 16, line 27 through page 17 line 4). Thus, voice authentication is distinguishable from, and not taught by speech recognition, because voice authentication is not merely converting a spoken word into text, but matching a voice pattern to validate a speaker's identity. Therefore, because the combination of Yaker and King does not teach or suggest at least one element of claims 2, 9, and 16, a *prima facie* case of obviousness under 103(a) is not established and the claims should be allowed.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

2. 35 U.S.C. 103(a), Alleged Obviousness, Claims 4, 11, and 18

The Final Office Action rejects claims 4, 11, and 18 under 35 U.S.C. §103(a) as being allegedly unpatentable over Yaker (US Patent 6,594,230) in view of King et al. (US Patent 5,872,841)(hereinafter referred to as King). [Final Office Action, p. 4] The rejection is respectfully traversed.

Dependent method claim 4, which is representative of claims 11 and 18, with regard to similarly recited subject matter and rejection, reads as follows:

4. The method for regulating use according to claim 1, further comprising:
 - detecting a subject for said outgoing call requested by said caller;
 - and
 - filtering said schedule according to said subject for said outgoing call.

The Examiner cites Yaker as disclosing all of claims 4, 11, and 18, except for detecting a subject for said outgoing call requested by said caller and filtering said schedule according to said subject for said outgoing call. [Final Office Action, p. 4] The Examiner cites King, however, as disclosing these elements as stated: "for example, the subject of the call could be a meeting, see Table 1 and col. 5 lines 20-36)." [Final Office Action, p. 4]

King, col. 5, lines 20-36 read:

Fig. 4 is a flowchart which describes how agent module 60 schedules a telephone call between two parties with calendars kept within calendar system 15. In a step 71, agent module 60 obtains the identity of the two parties and the estimated duration of the telephone call. Various information can be obtained from the calling party by voice mail system interface 51 (or voice mail system 14) before agent module 60 is started, as discussed above. Alternatively, agent module 60, once started, can obtain the information by querying the calling party using voice mail system interface 51. For example, in the one embodiment of the present invention, agent module 60, using speech synthesis technology 57 is voice mail system interface 51, queries the calling party as to which party will initiate the telephone call. This information is indicated in the calendars of the called party and the calling party when the telephone call is scheduled in these calendars.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. In particular, in establishing a prima facie case of obviousness under

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). In addition, in establishing a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991).

Appellants respectfully assert that the Examiner does not show and the references do not teach or suggest, separately or in combination, detecting a subject for said outgoing call requested by said caller. The Examiner notes that King, teaches these elements where “the subject of the call could be a meeting” as described in Table 1 and col. 5, lines 20-36. [Office Action, p. 4] First, Appellants note that Table 1 indicates the current calendar events of a callee, where “meeting” is a designator for a scheduled event of the callee, indicating that the callee is not available during the time slot, not the subject of the call designated by the caller. Further, Applicants note that col. 5, lines 20-36 describes an automated agent of the called party that schedules a telephone call between two parties in the called party’s calendar by searching for mutually agreeable available time slots, but does not describe detecting a subject of an outgoing call request by the caller. Thus, Applicants respectfully assert that neither Table 1 or col. 5, lines 20-36 teach detecting a subject for the outgoing call. In contrast, the present invention teaches detecting a subject for said outgoing call requested by said caller. Therefore, because the combination of Yaker and King does not teach or suggest at least one element of claims 4, 11, and 18, a prima facie case of obviousness under 103(a) is not established and the claims should be allowed.

In addition, Appellants respectfully assert that the Examiner does not show and the references do not teach or suggest, separately or in combination, filtering said schedule according to said subject for said outgoing call. First, neither Table 1 or col. 5, lines 20-36, filtering the schedule according to a subject. If anything, col. 5, lines 20-36 disclose locating unscheduled times within the schedules of a caller and callee. King does not teach filtering the schedule according to subject. Second, claim 1, upon which claim 4 is dependent reads:

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

1. A method for regulating use of a telephone line, comprising:
detecting an identity of a caller requesting use of a telephone line
to place an outgoing call; and
only allowing use of said telephone line to place said outgoing call
by said caller if a schedule for said telephone line indicates that said caller
identity is currently allowed to place said outgoing call.

Thus, when the combinations of each of claims 1 and 4, 8 and 11, and 15 and 18, are considered as a whole, each of the combinations teaches that the schedule is filtered by subject and that the caller attempting to place the outgoing call is only allowed use of the telephone line if the filtered schedule indicates allowance. Applicants respectfully assert that King does not teach filtering the schedule according to a subject and further does not teach, nor does the combination of Yaker and King teach, filtering the schedule by subject and then applying or not applying call blocking based on the filtered schedule. In contrast, the present invention teaches filtering said schedule according to said subject for said outgoing call. Therefore, because the combination of Yaker and King does not teach or suggest at least one element of claims 4, 11, and 18, a *prima facie* case of obviousness under 103(a) is not established and the claims should be allowed.

3. **35 U.S.C. 102(b), Alleged Anticipation, Claims 22, 24, and 26**

The Final Office Action rejects claims 22, 24, and 26 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Yaker (US Patent 6,594,230). [Final Office Action, pp. 2, 3] The rejection is respectfully traversed.

Independent method claim 22, which are representative of independent system claim 24 and independent computer program product claim 26, with regard to similarly recited subject matter and rejection, reads as follows:

22. A method for regulating use of a telephone line requested by a plurality of parties, comprising:
detecting an identity of a first caller requesting use of a telephone line to place a first outgoing call; and
comparing said identity of said first caller with a schedule for at least one other caller concurrently requesting use of a telephone line to place a second outgoing call; and

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

only allowing said first caller use of said telephone line to place said first outgoing call if a schedule for said telephone line indicates that said first caller currently has priority for use of said telephone line.

Regarding claims 22, 24, and 26, the Examiner cites Taker as teaching the invention claimed through Yaker, col. 5 lines 45-59 and col. 5-6, lines 60-3. [Final Office Action, p. 3] Col. 5, lines 45-59 read:

An outgoing call blocking directory may be created with each entry comprising a name of a specific destination and associated call blocking control information. An example of a call control table is disclosed in Steven Price, et al. The destinations in the outgoing call blocking directory table may include, for instance, the continuous media communication data packet source address, the continuous media communication data packet destination address, the identity of the calling party, the automatic number identification (ANI) associated with the call and the identity of the called party. The call blocking control information may include a time period, such as a day of week or time of day, when calls to the associated destinations of the call blocking control information are not to be completed, i.e. blocked.

Col. 5, lines 60-col. 6, line 3 read:

To illustrate, a station user, e.g. Mother with child A and child B, may define the call blocking directory whereby calls initiated by Mother are never blocked and calls to predetermined destinations initiated by child A or child B are selectively blocked depending on the call blocking control information associated with each child. The identification of the current status user, e.g., Mother, child A or child B, may be accomplished with a "logon" procedure using identifiers such as user I.D. and passwords. Also, passwords or identifier may be employed to prevent the unauthorized additions and deletions to the call blocking directory.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987).

Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962).

Appellants respectfully assert that the Examiner does not show and the references do not teach comparing said identity of said first caller with a schedule for at least one other caller concurrently requesting use of a telephone line to place a second outgoing

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

call and only allowing said first caller use of said telephone line to place said first outgoing call if a schedule for said telephone line indicates that said first caller currently has priority for use of said telephone line because Yaker does not teach comparing the priorities of multiple callers attempting to concurrently place outgoing calls to select which caller is allowed to place the outgoing call. In particular, Yaker, and in particular col. 5, line 45-col. 6, line 3 of Yaker only discloses that a caller may be individually blocked from placing an outgoing call if the caller attempts to place a call to an unauthorized person set in the caller's profile. Yaker does not teach managing the selection of which caller, when there are multiple callers concurrently attempting to place an outgoing call, is allowed to place the call. Further, Yaker does not teach managing the selection of the caller allowed to place an outgoing call based on a schedule, where the schedule indicates which of multiple caller attempting to concurrently place an outgoing call has priority to place the outgoing call. In contrast, claims 22, 24, and 26 teach comparing the identity of a first caller attempting to place an outgoing call with the schedule of another caller attempting to concurrently place an outgoing call and only allowing the first caller to place the outgoing call if the first caller has priority in the schedule over the second caller. Therefore, because Yaker does not teach, either expressly or inherently, at least one element of claims 22, 24, and 26, Yaker does not anticipate claims 22, 24, and 26, and the claims should be allowed.

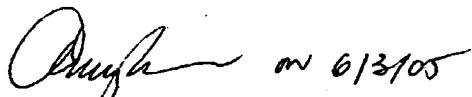
Serial No. 10/082,418
Atty Docket No. AUS920010849US1

CONCLUSION

It is therefore respectfully requested that the Examiner's rejection of claims 2, 4, 9, 11, 16, and 18 under 35 USC 103(a) and claims 22, 24, and 26 under 35 USC 102(b) be reversed and the claims allowed.

Please charge the fee of \$500.00 for submission of an Appeal Brief under 37 CFR 41.20(b)(2) to IBM Corporation Deposit Account No. 09-0447. No additional filing fee is believed to be necessary; however, in the event that any additional fee is required, please charge it to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



on 6/3/05

Amy J. Pattillo
Attorney for Appellants
Reg. No 46,983
P.O. Box 161327
Austin, Texas 78716
vox (512) 402-9820
fax (512) 306-0417

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

VIII. Claims Appendix

The Claims involved in the Appeal are as follows:

1. A method for regulating use of a telephone line, comprising:

detecting an identity of a caller requesting use of a telephone line to place an outgoing call; and

only allowing use of said telephone line to place said outgoing call by said caller if a schedule for said telephone line indicates that said caller identity is currently allowed to place said outgoing call.

2. The method for regulating use according to claim 1, wherein detecting an identity further comprises:

detecting said identity of said caller from a voice authentication.

4. The method for regulating use according to claim 1, further comprising:

detecting a subject for said outgoing call requested by said caller; and

filtering said schedule according to said subject for said outgoing call.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

8. A system for regulating use of a telephone line, comprising:
 - a telephone line for enabling communication via a communication system;
 - means for detecting an identity of a caller requesting use of said telephone line to place an outgoing call; and
 - means for only allowing use of said telephone line by said caller to place said outgoing call if a schedule for said telephone line indicates that said caller identity is currently allowed to place said outgoing call.
9. The system for regulating use according to claim 8, wherein said means for detecting an identity further comprises:
 - means for detecting said identity of said caller from a voice authentication.
11. The system for regulating use according to claim 8, further comprising:
 - means for detecting a subject for said outgoing call requested by said caller; and
 - means for filtering said schedule according to said subject for said outgoing call.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

15. A program for regulating use of a telephone line, comprising:

a recording medium;

means, recorded on said recording medium, for detecting an identity of a caller requesting use of a telephone line to place an outgoing call; and

means, recorded on said recording medium, for only allowing use of said telephone line by said caller to place said outgoing call if a schedule for said telephone line indicates that said caller identity is currently allowed to place said outgoing call.

16. The program for regulating use according to claim 15, further comprising:

means, recorded on said recording medium, for detecting said identity of said caller from a voice authentication.

18. The program for regulating use according to claim 15, further comprising:

means, recorded on said recording medium, for detecting a subject for said outgoing call requested by said caller; and

means, recorded on said recording medium, for filtering said schedule according to said subject for said outgoing call.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

22. A method for regulating use of a telephone line requested by a plurality of parties, comprising:

detecting an identity of a first caller requesting use of a telephone line to place a first outgoing call; and

comparing said identity of said first caller with a schedule for at least one other caller concurrently requesting use of a telephone line to place a second outgoing call; and

only allowing said first caller use of said telephone line to place said first outgoing call if a schedule for said telephone line indicates that said first caller currently has priority for use of said telephone line.

24. A system for regulating use of a telephone line requested by a plurality of parties, comprising:

a telephone line for enabling communication via a communication system;

means for detecting an identity of a first caller requesting use of said telephone line to place a first outgoing call; and

means for comparing said identity of said first caller with a schedule for at least one other caller concurrently requesting use of a telephone line to place a second outgoing call; and

means for only allowing said first caller use of said telephone line to place said first outgoing call if a schedule for said telephone line indicates that said first caller currently has priority for use of said telephone line.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

26. A computer program product for regulating use of a telephone line requested by a plurality of parties, comprising:

a recording medium;

means, recorded on said recording medium, for detecting an identity of a first caller requesting use of a telephone line to place a first outgoing call; and

means, recorded on said recording medium, for comparing said identity of said first caller with a schedule for at least one other caller concurrently requesting use of a telephone line to place a second outgoing call; and

means, recorded on said recording medium, for only allowing said first caller use of said telephone line to place said first outgoing call if a schedule for said telephone line indicates that said first caller currently has priority for use of said telephone line.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

IX. Evidence Appendix

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner that is relied upon by Appellants in the appeal.

Serial No. 10/082,418
Atty Docket No. AUS920010849US1

X. Related Proceedings Appendix

There are no related appeals, and thus there are no decisions rendered by a court or the Board in any related appeals.